

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
STEPHEN RICCIO, :
: :
Plaintiff, :
: :
v. : : **ORDER**
: : 21-CV-01136 (WFK) (VMS)
COMMISSIONER OF SOCIAL SECURITY, :
: :
Defendant. :
-----X

WILLIAM F. KUNTZ, II, United States District Judge:

On September 11, 2024, the Honorable Magistrate Judge Vera M. Scanlon issued a Report and Recommendation (“R&R”) recommending granting Plaintiff’s motion for attorneys’ fees. *See* ECF No. 30.

The parties did not file any objections to the R&R, which were due by Wednesday, September 25, 2024. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The Court reviews an R&R for clear error when no objections have been filed. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). The Court finds no such error here and therefore adopts the R&R in its entirety. Specifically, the Court GRANTS Plaintiff’s motion pursuant to 42 U.S.C. § 406(b) and ORDERS the following:

1. Defendant shall remit to Plaintiff’s counsel a total of \$44,393.50 in attorneys’ fees to be paid only from Plaintiff’s and his daughter’s past-due Social Security Disability benefits; and
2. Plaintiff’s counsel shall reimburse Plaintiff in the total amount of \$12,933.84, corresponding to the Equal Access to Justice Act fees that counsel previously received for his work in this action.

No funds need be paid by the Social Security Administration from any other source for attorneys' fees.

SO ORDERED.

s/ WFK

HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: September 26, 2024
Brooklyn, New York